

**ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE (ESLO-II) UPDATE  
11-TA-2000#2 Jan 10, 2003**

**ARTICLE III.**

**DEFINITIONS**

**Sec. 3.100. GENERAL.**

Flag lot is a lot that is narrower along the roadway frontage than at the building site and employs a long, narrow driveway and lot line configuration that extends from the roadway to the building site.

Revegetation means replacement and restoration of areas containing scarred or destroyed native vegetation through the introduction of boxed or planted native plant materials and /or comparable seed mix for the purpose of restoring NAOS land.

*Wildland/urban interface* is an area where development and native desert wildland ~~fuels~~ areas meet at a well-defined boundary.

*Wildland/urban intermix* is an area where development and native desert wildland ~~fuels~~ areas meet with no clearly defined boundary.

**ARTICLE VI.**

**SUPPLEMENTARY DISTRICTS**

**Sec. 6.1010. ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE.**

**Sec. 6.1011. Purpose.**

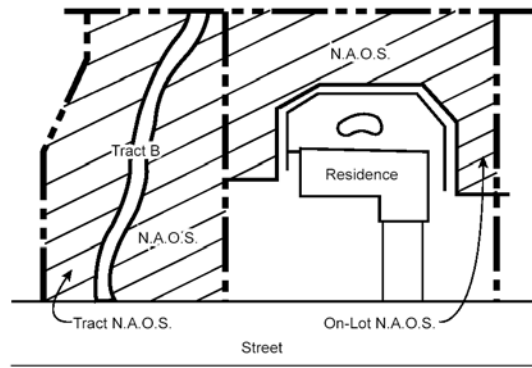
The purpose of the environmentally sensitive lands regulations is to identify and protect environmentally sensitive lands in the city and to promote the public health, safety and welfare by providing appropriate and reasonable controls for the development of such lands. Specifically, the environmentally sensitive lands regulations are intended to:

- A. Protect people and property from hazardous conditions characteristic of environmentally sensitive lands and their development. Such hazards include rockfalls, rolling boulders, other unstable slopes, flooding, flood-related mud slides, subsidence, erosion, and sedimentation.
- B. Protect and preserve significant natural and visual resources. Such resources include, but are not limited to, major boulder outcrops, major ridges and peaks, prime wildlife habitat and corridors, unique vegetation specimens, significant washes, and significant riparian habitats.
- C. Protect renewable and nonrenewable resources such as water quality, air quality, soils, and natural vegetation from incompatible land uses.
- D. Minimize the public costs of providing public services and facilities in ESL areas such as streets, water, sewer, emergency services, sanitation services, parks, and recreation. Costs associated with the design and development of infrastructure in environmentally sensitive areas can be higher than costs in other areas of the city due to the unique and fragile

nature of such lands.

- E. Conserve the character of the natural desert landscape. Guide the location and distribution of meaningful on-lot and common tract open space and protect sensitive environmental features to sustain the unique desert character found in ESL areas.

**On-Lot vs. Tract N.A.O.S.**

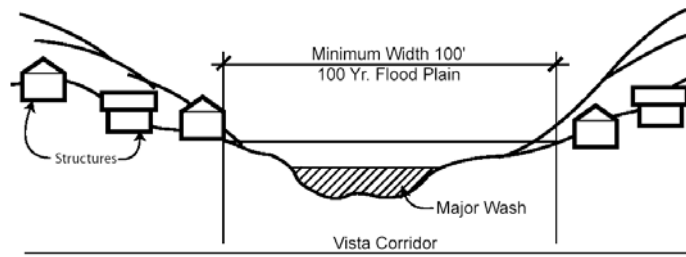


- F. Recognize and conserve the economic, educational, recreational, historic, archaeological, and other cultural assets of the environment that provide amenities and services for residents and visitors.
  - G. Assure that decisions regarding development in environmentally sensitive areas are based on complete and accurate information about the environmental conditions including drainage features and probable development impacts.
  - H. Minimize the impacts of development by controlling the location, intensity, pattern, design, construction techniques, and materials of development and construction.
  - I. Retain the visual character of the natural landscape to the greatest extent feasible by regulating building mass, location, colors, and materials; grading location, design and treatment; and landscaping design and materials.
  - J. Maintain significant open spaces which provide view corridors and land use buffers, protect landmarks, and prime wash habitats, by preserving these features in their natural state to maintain the city's unique desert setting.
  - K. Protect environmentally sensitive lands, while also recognizing the legitimate expectations of property owners and the city's overall economic goals.
  - L. Encourage innovative planning, design, and construction techniques for development in environmentally sensitive areas.
- (Ord. No. 2305, 1, 2-19-91; Ord. No. 3395, § 1, 12-11-01)

#### **Sec. 6.1020. APPLICABILITY OF REGULATIONS.**

#### **Sec. 6.1021. Applicable districts and conditions.**

## Major Washes / Flood Plains



### Sec. 6.1050. Intensity of Development.

In applying the provisions of this section, applicants shall use the ESL Landforms and Protected Peaks and Ridges Maps, unless otherwise exempted by section 6.1022B or 6.1023.

The intensity of development in the lower desert and upper desert landforms shall be determined by the underlying zoning district, and shall not exceed the maximum as provided in Table B, [section 6.1081](#). Where the NAOS density incentive or cluster option is used, Table B shall serve as the "base" intensity on the parcel.

The intensity of development in the hillside landform shall be determined as follows:

- A. The base and maximum intensities of development in the hillside landform on slopes less than twenty-five (25) percent, on exposed/shallow bedrock, or in major or minor watercourses, shall be as follows:

	Single-Family Detached D.U./Acre	Attached Multifamily D.U./Acre	Resort Hotel/Casita Units/Acre	Nonresidential Floor Area Ratio
Base	0.2	1.0	2.0	0.05
Maximum	1.0	3.0	8.0	0.20

1. The underlying zoning must permit the base intensities and uses.
  2. Intensities above the base level up to the maximum intensity may be approved by the City Council after notice and hearing as provided in section 1.600 and 1.700, and upon a finding that the proposed intensity meets the guidelines set forth in section ~~7.851(B)~~ [6.1031].
  3. Resort hotel/casita units are limited to resort hotel guest rooms or casitas that do not have individual driveway access to each unit. Parking areas for more than five (5) cars, restaurants, meeting rooms, and other ancillary uses must be located on land that is not a severely constrained area.
- B. Except when modified as provided in subparagraph (E) of this section, the maximum permitted intensity on land in the hillside landform with slopes from twenty-five (25) to thirty-five (35) percent or boulder features, shall be one (1) dwelling or resort unit per twenty (20) acres (1/20 or .05 D.U./AC.). Ancillary resort uses, such as restaurants, are not permitted.
1. Intensities up to a maximum intensity of one (1) dwelling or resort unit per five (5) acres (1/5 or .2 D.U./AC.) may be approved by the City Council, after notice

and hearing as provided in section 1.600 and 1.700, and upon demonstration by the applicant and finding by the City Council that the land proposed for the increased intensity is not visible from viewpoints, as defined in section 3.100 and that the proposed intensity is compatible with the considerations listed in section 6.1031. In making its determination, the City Council shall consider the following factors:

- a. Visibility and viewpoints of the proposed developments from scenic corridors, collector and arterial streets.
  - b. The impact of the development on the environmental conditions listed in section 6.1021.
- C. Except when modified as provided in subparagraph (E) of this section, the maximum permitted intensity on land in the hillside landform with slopes over thirty-five (35) percent or on unstable slopes shall be one (1) dwelling or resort unit per forty (40) acres (1/40 or .025 D.U./AC.). Ancillary resort uses, such as restaurants, are not permitted.
- D. General guidelines.
1. If a lot encompasses two (2) slope categories the intensity limit is determined by reference to the slope category of the land on which the majority of the construction envelope is located. The purpose of this provision is to provide flexibility in lot configuration.
- E. The City Council may grant a special exception from the maximum intensities allowed by subparagraphs (B) and (C) of this section for parcels which meet the following requirements:
1. *Qualifications.* Only parcels, which meet the following qualifications, are eligible for development as a special exception under the provisions of this subparagraph (E):
    - a. The parcel consists of at least nine (9) acres, at least eighty (80) percent of which are severely constrained areas.
    - b. On February 19, 1991, the parcel was a legally constituted lot on which development would have been permitted under the terms of the ordinance in effect at the time the lot was created or was annexed to the city.
    - c. No density transfer is proposed.
    - d. The area which will be disturbed by the proposed development is less than twenty (20) percent of the development site area.
    - e. More than eighty (80) percent of the development site area will be preserved as natural area open space (NAOS).
  2. *Findings.* Higher intensities may be granted pursuant to the special exception permitted by this subparagraph only where the Council finds that:
    - a. The maximum intensities otherwise permitted by this ordinance would create a substantial disincentive to develop the site with a desirable and appropriate use and/or intensity, and the requested change is the

minimum required in order to remove excessive constraints on the development of the site.

- b. The requested intensity will not create increased health or safety hazards to people or property resulting from unstable slopes or other environmental hazards.
- c. Units will be placed at lower elevations or at other locations on the property selected to reduce the grading which will be required to access the structures.
- d. Visibility of development from viewpoints as defined in Section 3.100 is limited.

3. *Procedure.*

- a. Before the City Council hears an application for special exception, the Development Review Board shall review the plans to ensure that any development proposed for unstable slopes, special features or other environmental conditions, is appropriate to these conditions, and preserves them to the maximum extent possible.
- b. Applications for exceptions under this section shall include the submittals set forth in section 6.1090 of this Ordinance, and shall be subject to notice and hearing as provided in sections 1.600 and 1.700.

F. The permitted development intensity in the hillside landform shall be calculated as follows:

- 1. Determine the location of each environmental condition referenced in section 6.1050A., B., and C. If more than one (1) condition is present on the same land area that which imposes the greatest restriction shall determine the intensity for development on that land area.

### Development Intensity in the Hillside Landform

Slope Category	Landform Condition	Base Lot Area Per Dwelling Unit
Under 25%	Major/Minor washes Protected peaks/ridges	5 Acres
25-35%	Exposed bedrock shallow bedrock	20 Acres
Over 35%	Boulders, unstable slopes	40 Acres

- 2. Determine the amount of land in acres impacted by each environmental condition.
- 3. Multiply the total acreage impacted by each environmental condition by the intensity permitted by section 6.1050A. through C. for that condition.
- 4. On parcels of twenty (20) or more gross acres, the permitted intensity for small areas of twenty thousand (20,000) square feet or less which have environmental conditions different than those of the surrounding area, shall be determined by the intensity permitted on the surrounding area. If a small area abuts both a

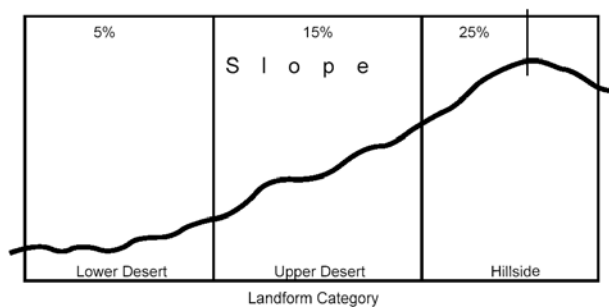
lower and a higher intensity area, the small area shall be divided equally between the two (2) intensities.  
(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01)

**Sec. 6.1060. Open Space Requirements.**

A. *NAOS requirements.*

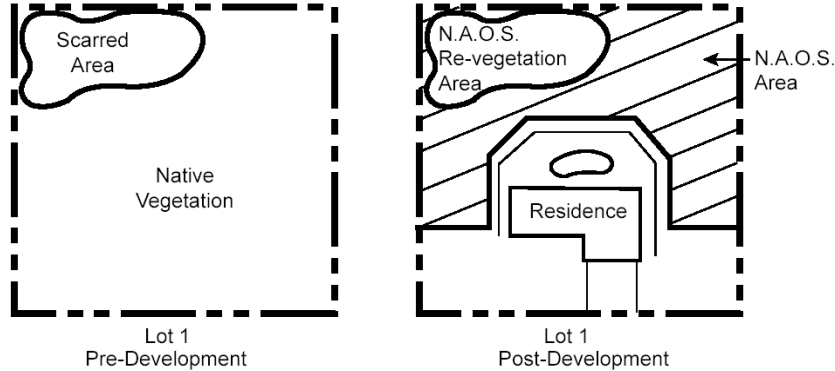
6. On-lot NAOS Locations: In applications where NAOS is provided on individual lots, approximate boundaries and precise acreage of the proposed NAOS shall be shown on and conform to an exhibit approved by the city manager or designee prior to or concurrent with filing a final subdivision plat and/or map of dedication.

**Slope Analysis**



- B. *NAOS reduction.* NAOS requirements may be reduced as provided herein. The minimum NAOS after reductions, for the gross lot area of the development project and for each development site or parcel shall be fifteen (15) percent in lower desert, twenty (20) percent in upper desert, and forty (40) percent in hillside landforms.
1. *Proportional reduction in NAOS for COS and HC areas.* An owner is entitled to reduce the required NAOS by calculating the percentage of the total parcel that is zoned conservation open space (COS) and Hillside Conservation (HC) areas, and reducing the NAOS requirement for the remainder of the property by this same percentage.
  2. *Reduction for regional drainage facility.* Where a development site contains areas dedicated for regional stormwater management pursuant to approved city regional drainage and flood control plans developed by the city, having a design flow of two thousand (2,000) cfs or more and providing drainage for one (1) square mile (one (1) section) or more, the NAOS requirement shall be reduced as follows:
    - a. The NAOS requirement shall be reduced one (1) square foot for each revegetated one (1) square foot of the regional drainage facility (1:1).
    - b. The NAOS requirement shall be reduced one (1) square foot for each two (2) square feet of turf or similar improvements for recreational areas within the regional drainage facility (1:2). The reduction for improved areas shall not exceed fifty (50) percent of the original NAOS requirement.

## N.A.O.S. Re-vegetation Credit



3. *Reduction for revegetation.* On land stripped of natural vegetation or scarred prior to January 1, 1990, the NAOS requirement for the parcel shall be reduced by two (2) square feet for every one (1) square foot of revegetated NAOS (2:1). This provision cannot be used to increase the maximum revegetated NAOS above the 30% maximum referenced in Section 6.1060D.2.
4. *Reduction for designated historical or archaeological site.* Land designated as a permanently protected historical or archaeological site, approved by the city, shall be used to reduce the required NAOS by two (2) square feet for each one (1) square foot of approved site (2:1).
5. *Lower desert landform with minimal slopes and limited environmental conditions.* Sites within the lower desert landform having slopes of 0%--5%, may reduce the required amount of NAOS to 15% if the applicant can demonstrate to the satisfaction of the Zoning Administrator that the property contains no boulder features, no minor or major watercourses and contains undisturbed native plant densities\* with less than ten (10) trees/cacti per acre. Where these provisions conflict with the minimum NAOS dimensions described in Section 6.1060F., the more restrictive provisions of Section 6.1060F. shall take precedence.

\*Native plants include the specific species defined in article V, protection of native plants, section 46-105 through 46-120 of the City Code.

### C. *Density Incentive for Increases in NAOS.*

1. A density incentive bonus not to exceed twenty (20) percent of the density otherwise allowed under the terms of the Zoning Ordinance Table B, Base Intensity by Zoning Category may be granted to applicants who provide more meaningful NAOS than is required in section 6.1060A. of this Ordinance. The bonus must be approved by the City Council after notice and hearing as provided in sections 1.600 and 1.700, and providing further that the following criteria are met:
  - a. The bonus applies only in the R1-43, R1-70, R1-130, and R1-190 residential zoning districts.
  - b. The incentive must be calculated using the base NAOS standards for the development project, and cannot be used in combination with any reductions in NAOS.
  - c. The additional NAOS must be undeveloped natural area and cannot include

revegetated areas.

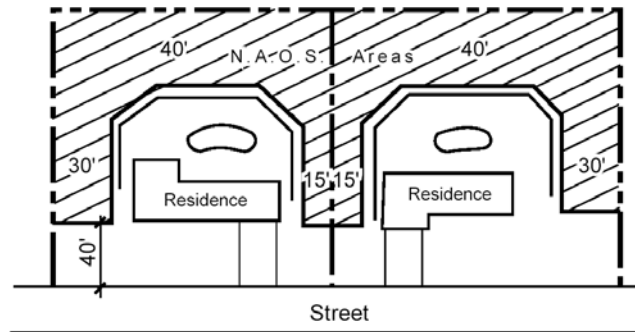
- d. The additional NAOS must respond to site conditions and the surrounding context to maximize connections with existing or planned open space on adjoining properties including the McDowell Sonoran Preserve.
2. The increase in density is calculated by multiplying the percent of gross land area of the parcel to be provided as additional NAOS, times the base density as established in Table B.

D. *Types of NAOS.* The NAOS requirement may be satisfied by two (2) types of open space: undeveloped natural areas and revegetated areas.

1. *Undeveloped natural areas.* Undeveloped natural areas shall constitute a minimum of seventy (70) percent of the required NAOS. This minimum applies to both "on-lot" and "common tract" NAOS.
  - a. Infill. When native plants in a designated undeveloped natural area are significantly less dense than under natural conditions because of man-made or natural disturbance to the land, the developer may increase the density and number of species of native plants to approximate the natural conditions of the vegetation community.
  - b. Infill areas shall count as undeveloped natural area for NAOS if approved by the city manager or designee.
2. *Revegetation.* Revegetation areas shall qualify as NAOS, but in no case shall constitute more than thirty (30) percent of the required NAOS. These provisions cannot be used in conjunction with those contained in Section 6.1060B.3. to increase the maximum percentage of revegetated NAOS above thirty (30) percent. Revegetated areas shall meet following requirements:
  - a. Planting programs for revegetated areas may include transplanted and seeded methods of application and shall include. Provide a list of proposed plant species and quantities. (see section 6.1091A.1.k.)
  - b. Planting programs shall be consistent with the slope aspect of the surrounding natural vegetation, and shall be consistent with the species and density of surrounding vegetation and adjacent natural desert.
  - c. All materials, design and construction techniques for revegetation shall be approved by the city manager or designee. Decisions of the city manager or designee may be appealed to the Development Review Board as provided in section 6.1110.
  - d. Incorporate boulders and salvaged surface material to match and blend with surrounding desert character.
  - e. Provide a temporary watering program.
  - f. In those cases where previously scarred or cleared areas are to be restored, the plant species and density shall be determined by matching ~~what existed on the site prior to the scarring or clearing.~~ the existing natural vegetation on similar terrain in the immediate vicinity.



#### N.A.O.S. Dimensions



3. *NAOS location.* The location of NAOS on a site plan or preliminary plat shall be based on the following:
  - a. Continuity of open space within the development project and with adjacent developments or with the McDowell Sonoran Preserve.
  - b. Continuity of "on-lot" open spaces on adjoining lots.
  - c. Preservation of the most significant features and vegetation, including rock outcroppings, natural watercourses, and significant concentrations of native vegetation in relation to the surrounding development project.
  - d. Distribution throughout the developed area and avoidance of concentration in one (1) location.
  - e. Location in areas where a buffer is desirable along the property boundary, or where it is contiguous with NAOS on adjacent property, including property within the McDowell Sonoran Preserve.
  - f. Location in areas visible from streets or common areas.
  - ~~f. The need for visibility of NAOS from streets or common areas.~~
  - g. The need for unimpeded wildlife access and movement within and between all common-tract NAOS areas, including minor and major watercourses, vista corridors and scenic corridors and particularly at the McDowell Sonoran Preserve boundary.

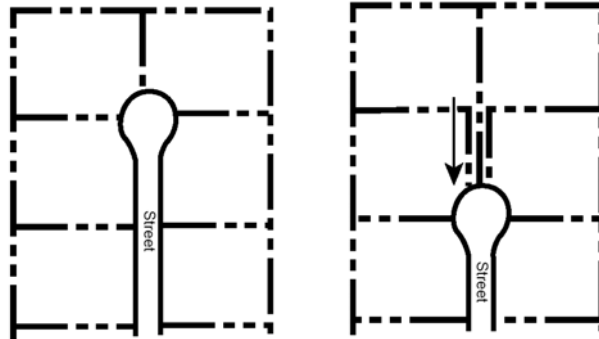
4. *NAOS distribution within master planned developments.* Where a master plan developer elects to provide NAOS in excess of the minimum NAOS requirement for specific development sites, such excess NAOS may be credited against NAOS requirements for other development sites on the master plan, provided that the NAOS credits are documented on an open space master plan which identifies excess NAOS by development site and allocates such excess to specific development sites elsewhere on the property. The master plan developer must authorize the allocation in writing.  
(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01)

#### Sec. 6.1070. Design standards.

- A. *General Standards.*

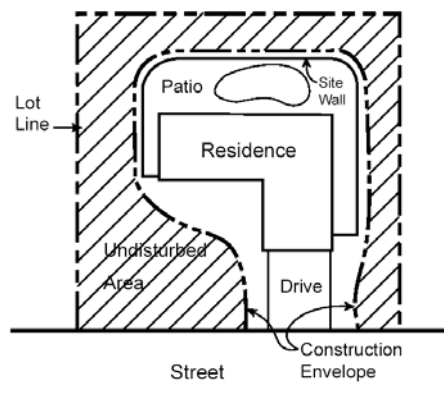
1. Development projects shall employ design techniques which reduce the disruption of the severely constrained areas (SCA) of a parcel defined in section 6.1081A.1., reduce the amount of streets and pavement, maximize open space, reduce the length of water and sewer systems, and minimize the restructuring of natural drainage systems.

#### Reduce the Amount of Streets

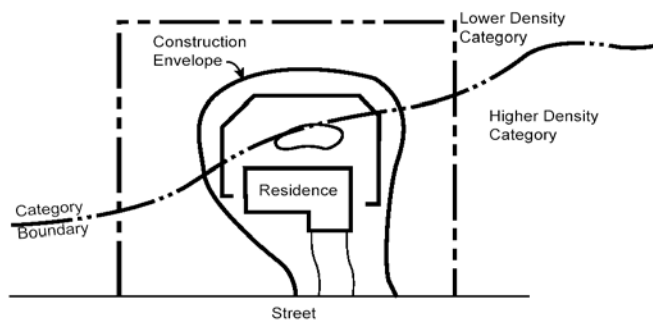


2. The intensity calculated in sections 6.1050 and 6.1080 shall be the maximum permitted intensity. A structure or residential building construction envelope that is located in more than one (1) density category in section 6.1050B. and C. shall be considered as located in the higher density area if the majority of the floor area or construction envelope area (over fifty (50) percent) is in the less restricted condition and the incursion into a lower intensity area extends less than twenty (20) feet for structures or thirty-five (35) feet for construction envelopes.

#### Building Envelope



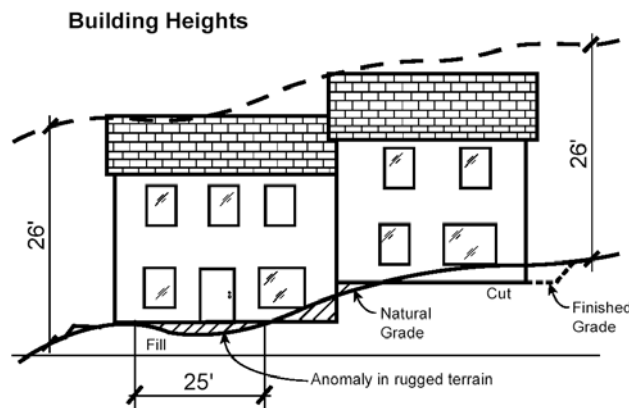
#### Construction Envelopes in 2 Categories



3. Construction envelopes are required when NAOS is proposed on individual lots. All impervious surfaces and improved open space shall be contained within construction envelopes. (See construction envelope definition in Section 3.100).
4. Underground utility corridors and drainage improvements outside of the construction envelopes shall be included in the revegetated open space.
5. The NAOS shall be clearly identified and protected during building by methods and techniques approved by the city manager or designee.
6. On-lot NAOS shall be designed with consideration of the surrounding context to connect with existing or planned open space on adjacent properties so that continuous areas of meaningful open space are formed.
7. On-lot NAOS shall not be located within the required front yard where the front yard depth is less than forty (40) feet.

B. *Building heights.*

1. The maximum building height is that prescribed by the underlying district except as modified by the following:
  - a. The maximum building height in the ESL district shall be established by a plane measured vertically above the existing natural terrain elevation prior to grading; as the natural grade rises, the maximum height will rise accordingly. Small areas of rugged terrain inconsistent with this plane will not increase or reduce building height. Small areas are those features with a maximum width of twenty-five (25) feet.
  - b. The maximum building height in single-family residential (R1) districts shall be twenty-six (26) feet



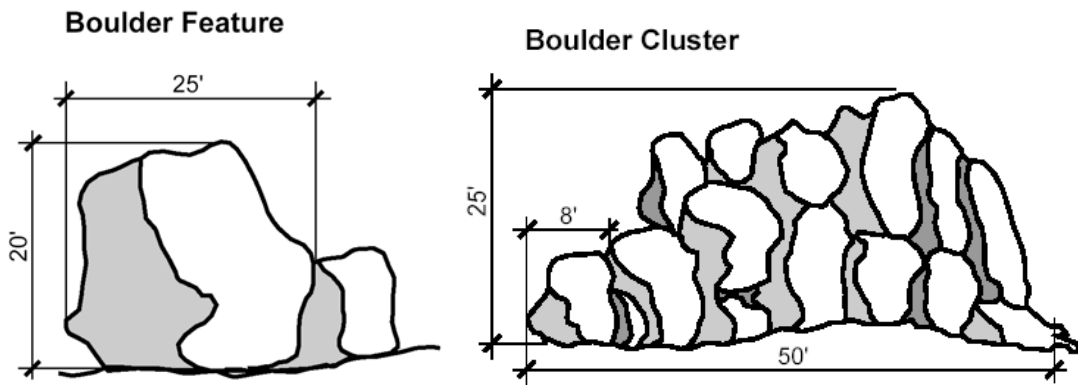
i.- Churches and places of worship are subject to the church and places of worship criteria for building heights established by the underlying zoning district.

- c. The maximum building height in the hillside landform shall be the height prescribed by the underlying district or thirty (30) feet whichever is lower, except as modified by section 6.1070B.1.d. below.

- d. The Development Review Board may permit additional building heights in the hillside landform up to a maximum height of forty (40) feet where the applicant demonstrates that the additional height will reduce the visual impact of the structure or site work from established viewpoints, and will reduce the area required for grading, or other land disturbance activities, on sensitive conditions.

B. *Hillside Landform Site Design Criteria:* Hillside lands are prone to natural hazards. In order to protect lives and property from disasters resulting from poorly designed hillside development and to mitigate the potential for increased erosion, boulder rolling, rockfalls, and landsliding, the Development Review Board (DRB) shall review individual site plans located within the hillside landform that are not part of a subdivision plat against the following criteria:

1. All construction shall be set back a minimum of twenty (20) feet from boulder features as defined in section 3.100. The DRB may approve exceptions to these criteria where specific design solutions protect public safety.

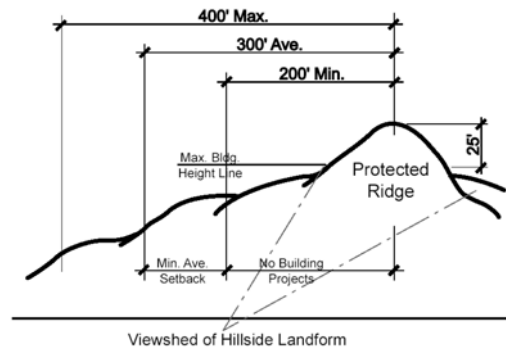


2. Unprotected slopes shall be protected from focused stormwater flows.
3. All storm runoff shall be directed towards natural channels using best practices for erosion control.
4. Minimize removal of native vegetation from areas outside of construction envelopes.

D. *Protected Peaks and Ridges.*

1. All building projects shall be set back an average of three hundred (300) feet horizontally and a minimum of two hundred (200) feet from a protected peak or a protected ridge.

#### Viewpoints - Protected Ridges



2. The maximum elevation of any structure within four hundred (400) feet horizontally of a protected peak or ridge shall be at least twenty-five (25) feet below the elevation of the nearest point of a protected peak or ridge.

3. Protected peaks and ridges shall be identified on ESLO Protected Peaks and Ridges Maps prepared by the city, and may be revised as follows:

Applicants for a specific development project may request a map refinement concurrently with a development project application. The requested refinement will be processed as part of the development project and the refinement shall be reviewed and acted upon in accordance with the applicable requirements for the development project. Request for map refinement shall include a visual analysis from viewpoints as defined in Section 3.100, and be subject to subsection E, below.

4. Protected peaks and ridges on a property shall be shown on final plats at the time of City Council approval.

- E. *Revisions of ESL Landform and Protected Peaks and Ridges Maps.* Landforms are identified on the ESL Landforms and Protected Peaks and Ridges Maps by the city. The maps may be revised as follows:

1. Applicants for a specific development project may request a change in all or part of the landform boundaries on the ESL Landforms and Protected Peaks and Ridges Maps prior to or concurrently with a development project application. The applicant shall submit technical data to the city manager or designee to support the request. If the city manager or designee determines that the request represents more than a minor refinement, the requested landform boundary change shall be prepared by an Arizona state registered geologist and shall include a technical analysis to support the requested map revision. The definitions of the three landform areas shall be used by consulting geologists for their analysis of changes in the landform boundaries.

2. Minor refinements to the ESL Landforms and Protected Peaks and Ridges maps shall be subject to the approval of the city manager or designee.

3. Major revisions of the ESL Landforms and Protected Peaks and Ridges maps shall be subject to development review board approval. Development review board approval shall occur prior to the planning commission and city council public hearings if the request is made concurrently with a submittal for a rezoning or use permit approval.

4. A property owner may request a revision of the ESL Landforms and Protected Peaks and Ridges maps on their property independently from a submittal for a specific project. Such

submittals shall follow all processes and requirements in section 6.1070E1. and shall be subject to approval of the development review board.

F. *Boulder Features.* Development shall not be permitted on or immediately adjacent to boulder features within the ESL area as defined in Section 3.100 and a setback of twenty (20) feet shall be maintained around the boulder feature unless otherwise approved by the development review board. The development review board may permit development on boulder features which meet this definition where the applicant demonstrates that the proposed construction will meet the following criteria:

1. When a proposed structure will be occupied, the applicant shall submit a technical analysis prepared by an Arizona State registered geologist demonstrating that the boulder feature is stable and does not present a threat to the proposed structure.
2. The applicant has demonstrated that the proposed construction will blend into the boulder feature so that the boulder feature is still substantially visible from public or private streets, and the structure does not detract significantly from the character of this special feature.

G. *Site and Structure Development Design Standards.*

1. Within the ESL district:
  - a. Mirrored surfaces or any treatments which change ordinary glass into a mirrored surface are prohibited.
  - b. Reflective building and roofing materials (other than windows) including materials with high gloss finishes and bright, untarnished copper, aluminum, galvanized steel or other metallic surfaces, shall be textured or have a matte or ~~non-specular~~ non-reflective surface treatment to reduce reflections.
  - c. Materials used for exterior surfaces of all structures shall blend in color, hue, and tone with the surrounding natural desert setting to avoid high contrast.
  - d. Surface materials of walls, retaining walls or fences shall be similar to and compatible with those of the adjacent main buildings.
  - e. Development design and construction techniques should blend scale, form and visual character into the natural landform and minimize exposed scars.
  - f. Exterior lighting should be low scale and directed downward, recessed or shielded so that the light source is not visible from residential development in the area or from a public viewpoint.
  - g. No paint colors shall be used within any landform that have a LRV greater than thirty-five (35) percent.
  - h. Exterior paint and material colors shall not exceed a value of six (6) and a chroma of six (6) as indicated in the *Munsell Book of Color* on file in the Planning Systems department.
  - i. Plant materials that are not indigenous to the ESL area shall be limited to enclosed yard areas and non-indigenous plants that have the potential of exceeding twenty (20) feet in height are prohibited. A list of indigenous plants is available from the Planning ~~Systems~~ and Development Services ~~Department~~. Outdoor community recreation facilities, including parks and golf courses shall

be allowed turf as specified in section 6.1070G1.j.

- j. Turf shall be limited to enclosed areas not visible offsite from lower elevation. Outdoor recreation facilities, including parks and golf courses, shall be exempt from this standard.
- k. All equipment appurtenant to underground facilities, such as surface mounted utility transformers, pull boxes, pedestal cabinets, service terminals or other similar on-the-ground facilities, shall be painted colors with a LRV of less than thirty-five (35) percent or otherwise screened from view from the adjoining properties.
- l. Any proposed modifications to natural watercourses and all walls and fences crossing natural watercourses shall be designed in accordance with the standards and policies specified in chapter 37 (drainage and floodplain ordinance) of the City of Scottsdale Revised Code.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3395, § 1, 12-11-01)

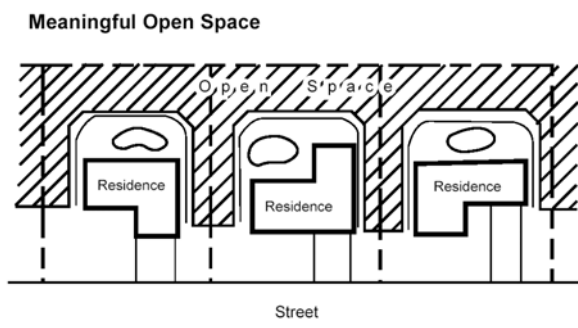
#### **Sec. 6.1071. Design guidelines.**

##### *A. General guidelines.*

- 1. Clustering, density transfer, NAOS or CA should be used to protect the most sensitive areas on a plat.
- 2. NAOS should not be enclosed by walls that disrupt its continuity with NAOS on adjacent properties.
- 3. Sensitive site planning that responds to the environmental conditions will frequently lead to smaller average lot sizes, a reduction in disturbed land area, or fewer lots. The applicant has the burden of demonstrating that the proposed intensity can be developed on the site in a sensitive manner that is consistent with this ordinance, The *Development Design Guidelines for Environmentally Sensitive Lands*, and other approved city policies and guidelines.

##### *B. Guidelines for the McDowell Sonoran Preserve Boundary.*

- 1. NAOS outside the McDowell Sonoran Preserve boundary should be oriented to maintain habitat and unimpeded wildlife movement to and from the preserve.
- 2. Promote continuity of open spaces at the preserve boundary. ~~to allow free movement of wildlife and create a natural buffer.~~



3. Maximize the provision of NAOS at the preserve boundary to create a natural buffer to the preserve.
  4. Any trail development through NAOS areas adjacent to the preserve must be coordinated with the Preserve Trail Plan.
- (Ord. No. 3395, § 1, 12-11-01)

**Sec. 6.1083. Amended development standards.**

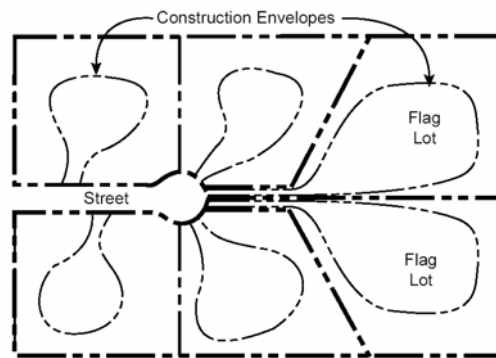
Amended development standards may be approved, in accordance with section 6.1083A. or B. below, in order to encourage sensitivity to site conditions and to provide flexibility in site planning.

A. *Development Review Board Public Hearing process.* The development review board may approve amended development standards for the underlying zoning district concurrently with the preliminary plat approval subject to the following:

1. Application and public hearing procedures of section 1.900.
2. The existing zoning district and proposed use is for single-family dwellings.
3. The base density in Table B has not been exceeded.
4. The minimum area of the development is ten (10) gross acres.
5. The minimum lot sizes may be reduced by no more than twenty-five (25) percent of the minimum lot size required in the underlying district.
6. Minimum setbacks and minimum distance between buildings of the applicable zoning district requirements may be reduced by no more than twenty-five (25) percent. In no case shall the setback of a garage or carport that opens towards the street be less than twenty (20) feet from the back of curb, or when present, the back of sidewalk. The minimum side yard or rear yard, where the side or rear yard is adjacent to designated open space tracts may be reduced to five (5) feet. Setbacks on the perimeter of the development project shall be equal to or greater than those imposed by the existing zoning on parcels within fifty (50) feet of the perimeter of the development project.
7. Minimum lot width may be reduced by no more than twenty-five (25) percent of the minimum lot width required in the underlying district. However, if the applicant can demonstrate that a flag lot design better achieves the purposes of the ESL Overlay District, flag lots with a minimum width of twenty (20) feet may be approved.



### Flag Lots



8. If the underlying zoning is R1-18, R1-10 R1-7 or R1-5, one (1) of the side yard setbacks may be zero (0), provided that the dwellings are constructed as single-family detached homes. The minimum distance between buildings is five (5) feet.
  9. The development must be served by public or private water and sanitary sewer facilities if the minimum lot sizes are less than sixty thousand (60,000) square feet.
  10. The amended development standards are approved concurrently with the preliminary plat.
  11. The required common open space is to be permanently maintained as natural open space as demonstrated in documents satisfactory to the City Attorney prior to the issuance of any permits.
  12. Demonstrate compliance with the design criteria stated in section 6.205 for planned residential development.
  13. Any modified standards for the development shall be recorded on the final plat.
  14. The applicant shall demonstrate to the satisfaction of the development review board that the modifications better achieve the purposes of ESL in section 6.1010 than the existing standards.
- B. *City Council Public Hearing Process.* The City Council may approve amended development standards for the underlying zoning district which exceed the limitations in section 6.1083A. pursuant to the following:
1. Application and public hearing procedures of section 1.600 and 1.700.
  2. In reviewing such applications, the City Council shall compare the requested intensity and use to the environmental conditions and to the General Plan to determine the appropriateness of the amended development standards.
  3. The applicant shall demonstrate that the stated modifications better achieve the purposes of ESL regulations in section 7.810 than the existing zoning.
- (Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01)

## **Sec. 6.1090. ESL SUBMITTAL REQUIREMENTS**

### **Sec. 6.1091. All applications.**

A. In addition to any other information required by the Scottsdale Zoning Ordinance (Ordinance No. 455, as amended) and the Scottsdale Revised Code, applications for development approval under ESL shall include the following:

1. Base submittal requirements for all projects:
  - a. Location and size of project boundaries, including any phasing plans.
  - b. Project description.
  - c. A.L.T.A. survey.
  - d. Site development plan showing all existing and proposed construction, including density calculations.
  - e. Aerial map.
  - f. Site plan superimposed on the aerial map.
  - g. Topography map (two (2) foot contours intervals).
  - h. Slope analysis superimposed on the topography map with NAOS calculation table.
  - i. NAOS analysis site plan, including proposed civil improvements and proposed construction envelope concept plan.
  - j. Environmental features map, including applicable landforms, protected peaks and ridges, unstable slopes, boulder features, watercourses, vegetation and wildlife habitats, viewsheds, and manmade or fire scarring.
  - j. Native plant submittal and revegetation plan and program, including transplanting and/or reseeding methods and list of plants.
  - l. Geotechnical report for sites with shallow bedrock and/or boulders.
  - m. Drainage and grading report and plan.
  - n. Archaeology data, reports, and/or plans as required by Chapter 46 of the City Code.

### **Sec. 6.1110. Appeals.**

The applicant may appeal a decision of the city manager or designee to the development review board. The appeal must be in writing, filed with the Planning and Development Services ~~Department~~ within fifteen (15) days of the date on which written notice of the decision was mailed to the applicant, and must state the reasons for appeal, and the relief requested. The city manager or designee shall place the appeal on the next available development review board agenda and shall notify the applicant in writing of the time and place at which the development review board will consider the appeal. Decisions of the development review board may be appealed to the City Council as provided in section 1.907 of this Ordinance.

(Ord. No. 3395, § 1, 12-11-01)

